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No.

# In The
# Supreme Court of the United States

OCTOBER TERM, 1981

FANNIE GODWIN,

Appellant,

v.

EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL.,

Appellees.

**On Appeal from the Supreme Court of Louisiana**

## JURISDICTIONAL STATEMENT

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Appellant,

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EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL.,

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## JURISDICTIONAL STATEMENT

## THE QUESTIONS PRESENTED

(1) Whether the Louisiana Supreme Court erred in holding that the School Board can prevent plaintiff from bringing any hand-carried sign into its public meetings, enforcable by expulsion and arrest for criminal trespass, without causing an impermissible deprivation of her Constitutional rights of speech, petition and assembly.

(2) Whether the Louisiana Supreme Court applied the proper standard of review in its consideration of the degree to which the defendant school board's order and decorum at its public meetings was threatened

by hand-carried signs and the need for this regulation proscribing the exercise of constitutional rights of speech, petition and assembly.

(3) Whether the Louisiana Supreme Court exercised the proper judicial function in reviewing the defendant school board's stated justification for its ban on all hand-carried signs in its public meetings.

(4) Whether the Louisiana Supreme Court erred in holding that this restriction on the free exercise of speech, petition and assembly leaves open ample alternative channels for communication.

(5) Whether the Louisiana Supreme Court erred in holding that defendant school board's regulation prohibiting all hand-carried signs from its public meetings was not Constitutionally infirm either for its facial overbreadth or for its overbreadth as applied to the facts.

(6) Whether the Louisiana Supreme Court erred in refusing to grant plaintiff's prayer for injunctive relief prohibiting the defendants from enforcing the prohibition against hand-carried signs in public meetings of the school board in derogation of her Constitutional rights.

## ALL PARTIES TO THE PROCEEDING

The parties in this proceeding are Fannie Godwin, appellant, and the East Baton Rouge Parish School Board and George Richard, as its president, appellees.

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The opinion of the Louisiana Supreme Court reported at 408 So. 2d 1214 (La. 1981), appears as Appendix "A" to this jurisdictional statement.

The opinion of the Court of Appeal for the First Circuit of Louisiana, reported at 403 So. 2d 72 (La App. 1st Cir. 1981), appears as Appendix "B" to this jurisdictional statement.

The oral reasons for judgment of the Nineteenth Judicial District Court of Louisiana, Judge William H. Brown presiding, unreported, appears as Appendix "C" to this jurisdictional statement.

## JURISDICTION

This case comes before this Court on an appeal from a final judgment of the Louisiana Supreme Court issued on December 14, 1981. A timely petition for a rehearing was denied by that Court on February 19, 1982. A notice of appeal to this Court was filed in the Louisiana Supreme Court on May 10, 1982. This jurisdictional statement was filed within ninety (90) days of the denial of the petition for a rehearing by the Louisiana Supreme Court.

This Court's jurisdiction is founded on 28 U.S.C. 1257 (2). Rule VII of the school board's rules of procedure is a state statute in that it, with all of these rules, was enacted by the duly elected school board authorized by Article 8, Section 9(A) of the Louisiana Constitution and empowered to so act by LSA R.S. 17:81. The rule complained of is a regulation of a legislative character

enacted by a school board acting under authority flowing directly from the Louisiana Constitution and legislature. *McCarthy v Philadelphia Civil Service Commission*, 424 U.S. 645 (1976). *Hamilton v Regents of University of California*, 293 U.S. 245 (1934).

## CONSTITUTIONAL PROVISIONS INVOLVED

*Constitution of the United States*, Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*Constitution of the United States*, Amendment 14, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*Constitution of the State of Louisiana of 1974*, Article 8, Section 9(A)

The legislature shall create parish school boards and provide for the election of their members.

## STATUTORY PROVISIONS INVOLVED

*Louisiana Revised Statutes*, 17:81, See text in Appendix "G"

## REGULATORY PROVISIONS INVOLVED

Rule VII of the Rules of Procedure of the East Baton Rouge Parish School Board—See text in Appendix "H"

Rule VI of the Rules of Procedure of the East Baton Rouge Parish School Board—See text in Appendix "I"

## STATEMENT OF THE CASE

The posture of this proceeding as it reaches this Court was correctly set forth by the Louisiana Supreme Court in its opinion as follows:

"Fannie Godwin instituted this action against the East Baton Rouge Parish School Board and its president, George H. Richard, seeking a declaration that Rule VII of the Rules of Procedure of said board, both on its face and as applied to her, violated her rights of freedom of speech, to assemble peaceably and to petition government for a redress of grievances under the first amendment to the federal constitution and section 7 and 9 of article 1 of our state constitution. She further sought an injunction prohibiting the enforcement of said rule.

"After a hearing, the trial court upheld the constitutionality of Rule VII and denied the application for a preliminary injunction. Plaintiff appealed. The court of appeal affirmed. On plaintiff's application, we granted certiorari to review the correctness of that decision." The Louisiana Supreme Court upheld Rule VII as constitutional and affirmed the decisions of the lower courts.

The basic facts surrounding this litigation were stipulated to by all parties and correctly stated in the Louisiana Supreme Court opinion as follows:

"On December 4, 1980, the East Baton Rouge Parish School Board adopted new 'Rules of Procedure' which became effective January 5, 1981. On January 5, 1981, the school board met at the Instructional Resource Center of the school board, a publicly-owned building. The principal purpose of the meeting was to discuss, deliberate and take official action toward adopting a proposed plan for desegregating the public schools in the parish. Mrs. Godwin attended the meeting as a member of the public and sat at the rear of the meeting room with no one seated behind her. She carried a sign approximately 15 x 23 inches in size which she displayed by standing next to her chair and holding it above her head. The sign depicted a black and white child and stated: 'Desegregation can help people know one another better so they can work together better.' At no time did Mrs. Godwin engage in any loud or boisterous conduct nor did her behavior threaten the orderly conduct of the meeting. She conducted herself in a quiet and orderly manner at all times. The school board president, George Richard, interrupted the agenda and requested Mrs. Godwin to remove the sign or herself from the meeting. He read her the rule prohibiting signs of which she was already aware. When she failed to comply, he recessed the meeting, left the bench or podium and approached Mrs. Godwin in the rear of the room where he again asked her to remove the sign or herself. Upon her refusal to do so, she was arrested for trespass and removed from the building by the police."

The operative part of Rule VII that led to the expulsion and arrest of plaintiff reads as follows:

> No sign, placard, or poster which is carried by hand shall be permitted in the School Board office building or any of its rooms.

At the hearing on plaintiff's application for preliminary injunction, three witnesses testified. The defendant, George Richard, president of the School Board, and Eileen Armstrong, a board member for ten (10) years and the immediate past president, testified on behalf of the defendants. Plaintiff, Mrs. Godwin, was the third witness. Both Richard and Armstrong were of the opinion that Rule VII was necessary. They gave as its principal justification that hand-carried signs disturbed the order and decorum of the public meetings of the school board. They also testified that they found such signs "distracting", "disturbing", obstructive of the view of others in attendance, and potential hazards to the physical well being to the public. In support of these opinions, these witnesses could not recall any occasion where such signs, which had never previously been excluded, had injured anyone or had caused a meeting to be dismissed. The essence of their complaint that such signs were "distracting" and "disturbing" was that, in the past, these signs diverted their concentration from the issue at hand by their reading of them. One last reason given to justify Rule VII by Armstrong was to improve the "image" of the school board and to reduce the "circus atmosphere" that some felt surrounded the meetings.

Aside from the bare assertions of these two board

members, there is precious little evidence to support the justification of Rule VII. Mrs. Armstrong could only recount one occasion in her ten years on the school board in which she felt that signs were truly a threat to the conduct of the meeting. That occasion related to a meeting in which employees of the Board were disgruntled about their employment conditions and were attempting to organize under the Teamsters Union. She admitted that she, as Board president, had allowed too many people (approximately 200) in the meeting room in violation of the East Baton Rouge Parish Fire Code. (Hearing Transcript at 39). She also said of this meeting that it was atypical.

It is submitted that the excessive number of people and the nature of that meeting, not the signs present, caused the perceived threat. Moreover, it was stated that this was the most signs ever in a meeting attended by the witnesses.

Plaintiff's uncontraverted testimony is that, based on her regular attendance at school board meetings for nine years, the typical meeting had approximately twenty persons in attendance. She further testified that she had never attended a board meeting whose order was disturbed by signs.

## SUBSTANTIALITY OF THE QUESTIONS PRESENTED

### FIRST AMENDMENT RIGHTS ARE ACCORDED PREFERENTIAL TREATMENT

The rights of free speech, assembly and petition which are affected by the ban on signs complained of

herein are at the very core of our democratic process. They have been called, "the indispensible condition of nearly every other form of freedom." *Palko v Connecticut*, 302 U.S. 319, 327 (1937). This Court has treated the rights afforded by the First Amendment with special judicial solicitude, as preferred rights. *Saia v People of the State of New York*, 334 U.S. 558 (1948). Thus, whenever government has attempted to restrain the free exercise of these rights, this Court has placed a heavy burden on the justification of such restraints. *Speiser v Randall*, 357 U.S. 513 (1958).

## PRIOR RESTRAINT REGULATIONS

Whenever a restraint is placed upon free expression prior to its exercise, such a regulation is treated as coming before this Court with a heavy presumption against its constitutional validity. *Nebraska Press Association v Stuart*, 427 U.S. 539 (1976). Plaintiff submits that the ban on signs contained in Rule VII is such a prior restraint on purely expressive activity.

## FIRST AMENDMENT FREEDOMS ARE APPLICABLE TO PLAINTIFF'S EXPRESSIVE ACTIVITY

The rights under the First Amendment are given to the "people" and act as a prohibition on both federal and state governmental action. This Court has held that the Due Process Clause of the Fourteenth Amendment of the Constitution precludes actions by the defendants herein which impermissibly restrain these rights. *Tinker v Des Moines Community School District*, 393 U.S. 503 (1969).

## RULE VII CONTAINS AN IMPERMISSIBLE RESTRAINT ON PLAINTIFF'S FIRST AMENDMENT RIGHTS

The Louisiana Supreme Court correctly held that the sign plaintiff carried into the school board meeting in violation of Rule VII was "closely akin to pure speech and is entitled to comprehensive protection under the First Amendment." [Appendix "A"] *Tinker*, above. However, that Court incorrectly held "that Rule VII is neither unconstitutional on its face nor as applied to plaintiff. It is a permissive restriction on the place and manner of communicating views of citizens attending school board meetings." [Appendix "A"]

This Court has recognized that, within certain limits, government can regulate the unfettered exercise of free expression if the regulation is subject to reasonable time, place and manner restrictions. *Cox v New Hampshire*, 312 U.S. 569 (1941); *United States v O'Brien*, 391 U.S. 367 (1968). In reviewing such governmental regulation of free expression, this Court has developed the following guidelines to test the constitutional validity.

1) The significant governmental interest being served must be unrelated to the suppression of free expression. *United States v O'Brien*, above.

2) The regulation will be upheld only upon a showing that it serves a significant governmental interest. *Heffron v International Society of Krishna Consciousness, Inc.*, ___ U.S. ___ (1981).

3) The regulation must be narrowly written and interpreted so that the only free expression that is

curtailed is that which will materially and substantially interfere with the competing governmental interest. *Grayned v City of Rockford*, 408 U.S. 104 (1972); *Tinker*, above.

4) "The nature of a place, the pattern of its normal activities, dictate the kinds of regulations of time, place and manner that are reasonable." *Grayned*, at 116. In this regard, "[t]he crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time." *Id.*

5) Where the restriction is otherwise valid, still it must leave open ample alternative channels for communicating the regulated expressive activity. *Virginia Pharmacy Board v Virginia Consumer Council*, 425 U.S. 748 (1976).

Plaintiff submits that, in holding Rule VII up to these guidelines, the Louisiana Supreme Court erred in upholding its constitutionality as a reasonable time, place and manner regulation in the following respects.

While the community does have an interest in ensuring that the school board can conduct its business in public meetings, the Rule cannot be permitted to censor and sacrifice free expression to the idealistic concept of "order and dignity". Admittedly there is a significant governmental interest in ensuring that the board be permitted to conduct its activities in public meetings. And that it be permitted to do so without suffering under intolerable conditions. However, these are *public* meetings to which the *public* is invited and must be permitted. Plaintiff submits that the "order and dignity" of

these meetings rises to a significant governmental interest sufficiently to restrain free expression only when that expression rises above mere inconvenience or annoyance. Such minor inconvenience to order and decorum is a hallmark of our democratic process and, indeed is a function of free expression in our system of government. *Terminiello v Chicago*, 337 U.S. 1 (1949). Thus, while "order and dignity" alone may well be a significant governmental interest in a totalitarian regime, in this nation it is only an idealistic concept that, absent the actual interference with the public meetings, cannot be employed to suppress free expression. Yet, this is precisely what Rule VII, as written and as interpreted by the Louisiana courts, has done to plaintiff's right to freedom of expression.

Closely related to the above stated deficiency of Rule VII is its violation of the guideline set out in *Grayned* that a time, place and manner regulation must be so narrowly tailored so as to further only the government's legitimate interest. Neither in the wording of Rule VII, nor in the evidence adduced to support it is there any indication that its restraint on free expression is "narrowly tailored" so as to further the significant governmental interest of permitting the school board to conduct its business in public meetings. The rule bans any hand-carried sign regardless of whether any particular sign, by its content or by the method of its use, impinges on the necessary conduct of the meeting. It is this very crucial misunderstanding of the concept of "reasonable" drafting of such a regulation that stands out in the concurring opinion of Justice Lemmon [Appendix "A"]. He admits that the "rule could have been more narrowly

circumscribed," but nevertheless finds it "reasonable." Plaintiff submits that this Court, in *Grayned*, requires that Rule VII be found constitutionally infirm in that it is so broadly drawn that it goes far beyond protecting a legitimate governmental interest, that is, it prohibits free expression unrelated to the necessity of conducting board meetings in a public forum.

The meetings of the school board are a "public forum." They are conducted on public property. All members of the public are invited and encouraged to come. Plaintiff submits that the nature of these meetings and the pattern of their normal activities do not dictate such a broadly tailored proscription of free expression as is contained in Rule VII. Thus, under the *Grayned* test, Rule VII is not a reasonable time, place and manner regulation. Contrary to the factual finding of the Louisiana Supreme Court, the only trial evidence concerning the normal attendance at these meetings is to the effect that approximately twenty (20) persons appear. The banned signs do not make any noise. In and of themselves, these signs are not a manner of expression basically incompatible with the normal activity of these meetings. Moreover, the Rule, as written and as enforced, does not require that the signs cause any disturbance before they are banned. These public school board meetings are not of the nature of a military base [*Greer v Spock*, 424 U.S. 828 (1976)] or of a prison [*Jones v North Carolina Prisoners' Labor Union, Inc.*, 433 U.S. 119 (1977)]. Nor are they of the character of overly crowded passageways of a state fairground [*Heffron*, above] or of publicly owned property set aside for special non-public usage [*Adderley v Florida*, 385 U.S. 39 (1966); *Leham v*

*City of Shaker Heights*, 418 U.S. 298 (1974)]. These meetings are truly "public forums" and plaintiff's sign, for the carrying of which she was expelled and arrested, was not "basically incompatible with the normal activity" of these meetings. Thus, plaintiff submits that Rule VII is not a reasonable time, place and manner regulation and should be stricken as an unconstitutional restraint on her freedom of expression.

Lastly, and on the issue of ample alternate channels of communication, plaintiff submits that the Louisiana Supreme Court erred in finding that Rule VII left open such alternate channels. Several times in the controlling opinion and in the concurring opinion, the Court finds as a fact that the board's rules "permit a person to speak for five minutes on any subject on the agenda." [Appendix "A"] This is factually incorrect. The right of the public to speak at these meetings is found in Rule VI of the rules which is set out in its entirety as Appendix "I". That rule does not grant such a right. Rule VI(C) is clear in providing the public a right to speak at the meetings only when a motion is before the floor which requires a board vote. Thus, there is no right of the public to speak to all agenda items. The public's right to speak comes at a time before board members address the motion. Also, once the public's right to speak has ended under Rule VI, the motion on the floor can be amended or wholly substituted with no further public input. These defendants cannot be allowed to circumscribe the method, manner, time and even content of plaintiff's free expression as is done here. Under Rule VI, the content of plaintiff's free expression is limited to addressing a motion before the floor for a vote. The time of her free expression is limited

to five (5) minutes and then at a point in time when the motion can be wholly substituted or changed. The manner of her free expression is oral. Plaintiff submits that there was no showing by the defendants that there was a specific motion before the floor at the meeting at which she was arrested so as to permit her to orally state the expression on her sign. That meeting was not called to discuss the merits of desegregation, but to take action on a specific plan that was on the agenda. The Louisiana Supreme Court's decision states that, in addition to this right to speak for five (5) minutes, plaintiff had ample alternate means of communicating the idea on her sign by carrying it outside the building. Yet, this Court has held that "one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place." *Spence v Washington*, 418 U.S. 405, 411 (1974). Regardless, the issue of ample alternate channels of communication cannot be used to legitimate an otherwise unreasonable time, place and manner regulation as plaintiff demonstrates elsewhere herein.

## COMPETING GOVERNMENTAL INTEREST NOT THREATENED BY PLAINTIFF'S SIGN

Plaintiff has argued above that Rule VII aborts her free expression for a reason that falls short of the requirement of a "significant governmental interest." Were this not so, plaintiff submits that Rule VII would still be an invalid regulation because the free expression that is banned by this Rule does not pose a serious threat to the conduct of the meetings. Prior to the night of plaintiff's arrest, there was no ban on such signs. The

evidence adduced at trial is as set forth in the Statement of the Case. Such evidence does not support the proposition that these banned signs constituted a real threat to the conduct of normal board meetings. To be a valid time, place and manner regulation the defendants must demonstrate that hand-carried signs will "materially and substantially interfere" with its meetings. *Tinker*, at 509. The evidence is to the effect that such signs were "distracting," which was defined by the board witnesses generally to mean that these signs diverted their attention from the agenda. Since this is a public place, this type of "interference" should be dealt with by the averting of the eyes. *Cohen v California*, 403 U.S. 15 (1971). Although there was opinion testimony given by Armstrong and Richard that these signs created "problems" and were "disruptive" at the meetings, the record is bare of factual circumstances to buttress these assertions. Only at a time of labor unrest with its employees was a meeting materially interfered with and this was due to the excessive number of people present, not to signs. Certainly, in a normal meeting, with approximately twenty (20) people present, there has been no showing that the banned signs materially and substantially interfere. The Fifth Circuit has held that free expression cannot be banned as Rule VII does unless such expression " 'will surely result in direct immediate, and irreparable damages.' *New York Times Co. v United States*, 403 U.S. 713, 730." *Society of Krishna Consciousness of Atlanta v Eaves*, 601 F. 2d 809 (1979). These defendants have not and cannot make any such showing. In truth, Rule VII appears to have been formulated and enforced out of an "undifferentiated fear or

apprehension of disturbance [which] is not enough to overcome the right to freedom of expression." *Tinker*, at 508.

## INSUFFICIENT STANDARD USED TO TEST THE DEFENDANTS JUSTIFICATION FOR RULE VII

The Louisiana Supreme Court abrogated its duty by exercising a standard of judicial review much too limited. The proper standard of review should be determined by the nature of the right violated rather than the power being exercised or the specific limitation imposed. Thus this Court has recently reaffirmed a prior holding that it is the court's obligation to assess the substantiality of the justification offered for a regulation that impinges on free expression.

> Mere legislative preferences or beliefs respecting matters of public convenience may well support regulation directed at other personal activities, but be insufficient to justify such as diminishes the exercise of rights so vital to the maintenance of democratic institutions. And so, as cases arise, the delicate and difficult task falls upon the courts to weigh the circumstances and to appraise the substantiality of the reasons advanced in support of the regulation of the free enjoyment of [First Amendment] rights. 308 US, at 161, 84 L Ed 155, 60 S. Ct. 146.
>
> *Schad v Mt. Ephraim*, ___ U.S. _____ (1981).

In reviewing the governmental interest competing with free expression the Louisiana Supreme Court should have first determined whether that interest was legiti-

mate. Then that court should have inquired as to whether that interest was sufficient to justify the encroachment on First Amendment freedoms. The Court must make its independent "inquiry into the imminence and magnitude of the danger said to flow from the particular utterance and then balance the character of the evil, as well as its likelihood, against the need for free and unfettered expression. The possibility that other measures will serve the State's interests should also be weighed." *Landmark Communications, Inc. v Virginia*, 435 U.S. 829, 843 (1978). *Landmark* also holds that, while the defendants may declare the reasons for the regulation, the "judicial function commands analysis of whether the specific conduct charged falls within the reach of the statute and if so whether the legislation is consonant with the Constitution. Were it otherwise, the scope of freedom of speech and of the press would be subject to legislative definition and the First Amendment as a check on legislative power would be nullified." *Ibid.* at 844. The defendants here, as in *Landmark*, offered little more than assertion and conjecture to support their claim that Rule VII was required to conduct school board meetings.

FACIAL OVERBREADTH OF RULE VII

Even if Rule VII was not otherwise constitutionally infirm, it is so because of the doctrine of overbreadth. Under this doctrine a regulation is unconstitutional if the governmental purpose in controlling an activity constitutionally subject to such regulation attempts to achieve its goal by means which sweep unnecessarily broadly. *Zwickler v Koota*, 389 U.S. 241 (1967). Overbroad regu-

lations create the hazard of impairing First Amendment freedoms since those persons covered by the regulations are bound to limit their behavior to that which is unquestionably safe. *Dombrowski v Pfister*, 380 U.S. 479 (1965). First Amendment freedoms need breathing space to survive and governmental regulation in this area must be accomplished with narrow specificity. *Re Primus*, 436 U.S. 412 (1978). For a regulation such as Rule VII to be unconstitutional for its facial overbreadth, it must proscribe free expression in a real and substantial manner. Rule VII does precisely that. It also must not have been given a narrowing interpretation by the State Courts. This also obtains in the decision of the Louisiana Supreme Court herein. As the Louisiana Supreme Court decision correctly held, the communication banned by Rule VII is "pure speech" and not speech mixed with conduct. There is no limiting language in either the Rule or in the Louisiana Supreme Court's decision which would narrow the scope of the ban on signs so that it became effective only when such signs threatened the conduct of the board meetings. Thus Rule VII "sweeps within its prohibitions what may not be punished." *Grayned*, at 115. The regulation of expression in *Grayned* was found not to be overbroad precisely because it was so narrowly drawn as to punish "only conduct which disrupts or is about to disrupt normal school activities. " *Ibid*, at 119. This points out the exact problem with Rule VII. It does not prohibit signs which disrupt or are about to disrupt board meetings. It prohibits all communication by such signs. Moreover, it punishes such communication by criminal arrest in its application. This Court has held that, "[t]he limitation on First

Amendment freedom must be no greater than is necessary or essential to the protection of the particular governmental interest involved." *Procunier v Martinez*, 416 U.S. 396, 413 (1974). "The separation of legitimate from illegitimate speech calls for more sensitive tools," than the school board has supplied with Rule VII. *Gooding v Wilson*, 405 U.S. 518, 528 (1972).

## OVERBREADTH AS APPLIED

The stipulated facts are that neither plaintiff nor her sign posed any threat to the order or dignity of the meeting or to the attending public. Plaintiff submits that this is absolute proof of the constitutional overbreadth of Rule VII as it was applied to her. While her exercise of "pure speech", in the form of her sign, in no way posed any threat to the asserted governmental interest justifying Rule VII, plaintiff was removed from the meeting and arrested for criminal trespass. In *Grayned*, this Court upheld a regulation against an attack on the grounds of its facial overbreadth; however, the Court states at footnote 50 on page 121, that "[i]t is possible, of course, that there will be unconstitutional applications; but that is not a matter which presently concerns us." Plaintiff submits that this is precisely the matter which concerns the Court in this case.

## CONCLUSION

The defendants enacted Rule VII which prohibited hand-carried signs in its public meetings. It did so without there ever being an occasion where such signs materially and substantially interfered with its meetings. The

restraint on free expression in Rule VII affected "pure speech" in a "public forum." The Rule went beyond the bounds of significant governmental interest. The Rule was so broadly drawn and interpreted as to inhibit free expression unrelated to the interest involved. Plaintiff was arrested for refusing to leave with her sign when it was in no way disturbing the public meeting.

Accordingly, and for the reasons set forth above, the Court should exercise its appellate jurisdiction and require plenary consideration, with briefs on the merits and oral argument, for the resolution of the questions raised.

RESPECTFULLY SUBMITTED

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I, WOODROW W. WYATT, the attorney for Appellant herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the _____ day of May, 1982, I served three copies of the Jurisdictional Statement on appellees by mailing the same, through the United States mail, to John F. Ward, Jr., counsel of record for the East Baton Rouge Parish School Board and George Richard, at 1111 South Foster Drive, Suite C, Baton Rouge, Louisiana 70896. I further certify that all parties required to be served have been served.

WOODROW W. WYATT